	Application No.	Applicant(s)
Notice of Allowability	09/760,975	BRABSON ET AL.
	Examiner	Art Unit	
	Jinsong Hu	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *RCE filed on 5/22/07*.

2. ☒ The allowed claim(s) is/are *1-35*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

         International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

      Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08),
   Paper No./Mail Date 10/25/04

4. ☐ Examiner's Comment Regarding Requirement for Deposit
   of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
   Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears bellow. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as proved

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

2.   Authorization for this Examiner's Amendment was given in a telephone interview

with Mr. Thomas E. Lees (Registration No. 46,867) on June 6, 2006.

<u>In the Claims</u>:

        Please amend claims 34 and 35 as follow:

        Claim 34. (Currently Amended) A computer program product for providing

transactional network quality of service within an endpoint data processing system,

comprising:

        a computer [[readable]] <u>storage</u> medium having computer readable program

code embodied therein, the computer readable program code <u>cause the following steps</u>

<u>being executed</u> [[comprising]]:

        ~~computer-readable-program-code-which-requests~~ <u>requesting</u> a data transmission

transaction by an application of said endpoint data processing system;

~~computer readable program code which provides~~ providing transaction service

level information corresponding to said application for a data transmission transaction to

a communication process of said endpoint data processing system;

~~computer readable program code which receives~~ receiving said transaction

service level information by said communication process;

~~computer readable program code which evaluates~~ evaluating said transaction

service level information at said endpoint data processing system;

~~computer readable program code which determines~~ determining a quality of

service level at said endpoint data processing system, wherein said quality of service

level is associated with said data transmission transaction and is based on said

transaction service level information received by said communication process; and

~~computer readable program code which performs~~ performing a data transmission

by said communications process corresponding to said data transmission transaction

and said quality of service level.

Claim 35. (Currently Amended) A computer program product for establishing a

quality of service level within an endpoint data processing system for the transmission

of data, comprising:

a computer [[readable]] storage medium having computer readable program

code embodied therein, the computer readable program code cause the following steps

being executed [[comprising]]:

~~computer readable program code which provides~~ providing an application

program interface to a communications process of an endpoint node, which both

receives content data to be transmitted by the communications process and receives

quality of service information associated with the data to be transmitted so as to

establish the quality of service level for the transmission of the received content data

without reference to the contents of the received content data, wherein:

said application program interface provides said quality of service level to said

communication process based upon receiving at least one of a specific quality of

service specification from a corresponding application associated with said endpoint

data processing system or from application level information which is evaluated to

determine said quality of service level at said endpoint data processing system.

Reasons for allowance

3.   The following is an examiner's statement of reasons for allowance:

Applicant's claimed invention distinguished over the prior art for the following

reasons. The claims are allowable over the prior art of record because none of the

references, either alone or in combination, discloses or renders obvious the method for

for providing transactional quality of service within an endpoint data processing system,

the method comprising the steps of requesting a data transmission transaction by an

application of said endpoint data processing, providing transaction service level

information corresponding to said application for a data transmission transaction to a

communication process of said endpoint data processing system; receiving said

transaction service level information by said communication process; evaluating said

transaction service level information at said endpoint data processing determining a

quality of service level at said endpoint data processing system, wherein said quality of

service level is associated with said data transmission transaction and is based on the

said transaction service level information received by said communication process

application; and performing a data transmission by said communications process

corresponding to said data transmission transaction and said quality of service level.

Conclusion

4.   Any comments considering necessary by applicant must be submitted no later

than the payment of issue fee and, to avoid processing delays, should preferably

accompany the issue fee.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965.

The examiner can normally be reached on 8:00 AM - 5:30 PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number

for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

June 6, 2007